CLASSIFICATION OFFICE DECISION

Title of publication:	I Wish I Was With You
Other known title(s):	Not stated
OFLC ref:	1001188.000
Medium:	Artwork
Artist:	John Pule
Country of origin:	New Zealand
Language:	Not applicable
Applicant:	Larsarah Lisa Burney
Classification:	Unrestricted.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	09 August 2010
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

"I Wish I Was With You" is an artwork of painting and drawing on a large canvas panel by the established Nieuan/New Zealand artist John Pule. When standing back from the work, primarily abstract gestures, patterns, and symbolic elements are visible in green. Close examination reveals small, figurative detail in black ink. The artwork was submitted to the Office of Film and Literature Classification (Classification Office) under s13(1)(c) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act), by a member of the public. Two other works were also submitted.

The publication deals with matters of sex in such a way that its unrestricted availability is unlikely to be injurious to the public good.

Most viewers, particularly children, are unlikely to extract sexual meaning from the limited sexual elements the work contains. Only on close examination is a simple line drawing explicitly depicting sexual activity visible on a small portion at the bottom edge of the painting. Although the sexual depiction in isolation may fascinate or briefly catch children's attention, it is cropped, and lacking in context and detail so that its sexual meaning will be obscure to viewers unfamiliar with sexual activity. Numerous other, non-sexual elements in the work compete for the viewer's attention. This artwork is therefore unlikely to shock or greatly disturb most children. For the

same reason the depiction is unlikely to provide younger viewers with a premature introduction to the mechanics of adult sexual activity.

The work is a static, two-dimensional piece.

The Classification Office has considered the effects of the New Zealand Bill of Rights Act on the application of all the classification criteria. Whilst it is acknowledged that some viewers may find certain aspects of the artwork challenging, injury to the public good from its unrestricted availability is unlikely for the reasons given above. The publication has significant artistic, cultural, educational and social merit. Pule is widely studied in New Zealand schools under the direction of teaching staff. Pupils' access to the work is typically already mediated. To place a legal restriction on the availability of these publications would not be a reasonable limitation on "the freedom to seek, receive, and impart information and opinions" under the NZBR Act. A restriction would unduly complicate access to the work by school groups, for instance, and inhibit the work's educational benefit. Restricting the it availability is therefore not warranted given the limited likelihood of unmediated access to the work by children, and the limited likelihood of harm on any occasion where a child might examine it in detail and unsupervised.